

**MINUTES OF THE
GREENSBORO ZONING COMMISSION
MARCH 13, 2006**

REGULAR MEETING

A regular meeting of the Greensboro Zoning Commission was held on Monday, March 13, 2006 at 2:04 p.m., in the City Council Chambers, Second Floor, Melvin Municipal Office Building. Members present were Chair Gary Wolf, Tony Collins, Paul Gilmer, Zack Matheny, Evelyn Miller, Bill Schneider, Portia Shipman, and Susan Spangler. The Planning Department was represented by Dick Hails, Planning Director, and Bill Ruska, Zoning Administrator. Blair Carr, Esq., represented the City Attorney's Office. Carrie Reeves represented the Greensboro Department of Transportation (GDOT).

Chair Wolf welcomed everyone to the Zoning Commission regular monthly meeting. He explained the procedures of the meeting and how any appeals may be made as to any Commission decision.

APPROVAL OF THE MINUTES OF THE FEBRUARY 13, 2006 REGULAR MEETING.

Ms Shipman moved approval of the February 13, 2006 minutes as written, seconded by Mr. Collins. The Commission voted unanimously 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler. Nays: None.)

PUBLIC HEARINGS:

- A. AN ORDINANCE REZONING FROM RS-15 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – RM-12 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES LIMITED TO RESIDENTIAL MULTIFAMILY OR SINGLE FAMILY DWELLINGS DESIGNED FOR SALE. 2) MAXIMUM OF FOUR (4) DWELLING UNITS. 3) NO STRUCTURE SHALL EXCEED 2 ABOVE GROUND STORIES IN HEIGHT. 4) THE EXTERIOR OF ALL STRUCTURES SHALL BE CONSTRUCTED PRIMARILY OF BRICK BUILDING MATERIALS. - FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTH SIDE OF BALLINGER ROAD WEST OF NEW GARDEN ROAD – FOR TONY BYNUM. (APPROVED)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Tony Bynum, 5907 Ballinger Road, said when he purchased the property a year ago, the listing stated that it was already zoned CD-RM-12. He found out six months into the process

that the zoning was incorrect. He was requesting that the zoning be changed to what he originally thought the zoning to be.

Dorothy Ballinger, 5908 Ballinger Road, speaking in opposition to the request, said she was quite concerned about this property since it was directly across the street from her house. She was concerned with the additional traffic, safety and quality of life as a result of this proposal.

In rebuttal, Mr. Bynum said four townhomes would not create a great deal of traffic.

Allen Socol, 5912 Ballinger Road, speaking in opposition said in the townhome allowance, there were conditions for landscaping. He specifically remembered a condition that these would not be rental units and would be for sale only, not for subletting. Will the presumed conditions go forward? They had put in landscaping at the new development, but he had no idea if it were in compliance.

Mr. Hails advised him that the site plan is reviewed as it goes through Planning for conformance with all zoning conditions, including conditions attached to rezonings.

Mr. Socol was also concerned about traffic.

Chair Wolf closed the public hearing.

Mr. Hails said there were several provisions of the adopted Connections 2025 Comp. Plan that staff feels are applicable to this request. The GFLUM in this location shows both low residential designation here and to the west and institutional uses to the east. There are several policies in the plan about promoting mixed-income neighborhoods hopefully in a compatible manner. Staff noted in terms of the context of the site, they feel the land use pattern progressing from the fire station to the east to the existing townhomes to single family further to the west is a reasonable transition of the land uses from New Garden Road. This request fits in with the density of 5.1 dwelling units per acre, is consistent with low residential and compatible with institutional as well. Staff recommends approval of the request.

Mr. Gilmer said the Greensboro Zoning Commission believes that its action to approve the zoning amendment, located on Ballinger Road from RS-15 to CD-RM-12 to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: It is generally consistent with the Low Residential land use category indicated for this site on the Connections 2025 Generalized Future Land Use Map. It promotes mixed-income neighborhoods (Policy 6A.2). It also promotes the diversification of new housing stock to meet the needs of all the citizens for suitable housing (Policy 6C). Mr. Schneider seconded the motion. The Commission voted unanimously 8-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler. Nays: None.)

B. AN ORDINANCE REZONING FROM CONDITIONAL DISTRICT – GENERAL BUSINESS WITH THE FOLLOWING CONDITIONS: 1) USES LIMITED TO: RECORDING STUDIO WITH CASSETTE SALES; AUDIO/VIDEO DUPLICATION AND RECORDING, BUSINESS OFFICES, WHOLESALE/RETAIL SALES OF

ASSOCIATED MUSIC ITEMS; PROFESSIONAL OFFICES; COUNSELING

SERVICES; CONTRACTORS (NO OUTSIDE STORAGE); AND ACCESSORY USES. 2) THE RECORDING SECTIONS OF THE BUILDING WILL BE TOTALLY SOUNDPROOFED TO PREVENT SOUND FROM ENTERING OR EXITING THE BUILDING. - TO CONDITIONAL DISTRICT – GENERAL BUSINESS WITH THE FOLLOWING CONDITIONS: 1) USES: ALL USES PERMITTED IN THE GENERAL BUSINESS ZONING DISTRICT EXCEPT THE FOLLOWING: BILLIARD PARLORS, FORTUNE TELLERS, AUTOMOBILE RENTAL OR LEASING, AUTOMOBILE SERVICES (MAJOR OR MINOR), BANKS, HOTELS/MOTELS, CONVENIENCE STORES WITH FUEL PUMPS, RESTAURANTS WITH DRIVE-THRU, SERVICE STATIONS, BARS, KENNELS, AND VETERINARY SERVICES. 2) EXTERIOR BUILDING MATERIALS SHALL CONSIST PRIMARILY OF BRICK, SPLIT BLOCK, STONE OR STUCCO. 3) BUILDING SHALL BE LIMITED TO ONE STORY. - FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTH SIDE OF NEW GARDEN ROAD EAST, EAST OF LAWNDAL DRIVE – FOR STEPHEN AND SIGRID MARKS. (FAVORABLE RECOMMENDATION)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Stephen Marks, 313 Smyres Place, said he and his wife own the property at 2504 New Garden Road East and come before the Commission to ask to expand the current uses allowed on the property. He presented some photographs and described what was depicted. History shows that the property has been used as a business property. He is asking for an expanded range of uses on the property. The zoning now is very specific. It can be used for an office or recording studio. The expanded zoning would increase the value and permit him to do some additional landscaping, and possibly expand the building itself.

Mr. Hails said the expanded zoning would allow more different types of uses within the commercial district. If approved, this would open up the property for more uses in the General Business zone.

There was no else present that wished to speak to this request and Chair Wolf closed the public hearing.

Mr. Hails said there are several Comp Plan provisions that they feel support this request. There is an amendment in process on the GFLUM related to it, but we do have policies related to infill development, better use of underutilized properties for economic development opportunities, and compact development in fringe areas that support this request. Staff recommends approval of the request.

Mr. Schneider said the Greensboro Zoning Commission believes that its action to approve the zoning amendment, located on New Garden Road East from CD-GB to CD-GB to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: It promotes a sound, sustainable pattern of land use for development of the fringe. It promotes use of

underutilized properties and buildings. With the proposed conditions, the project is compatible

with surrounding properties. Mr. Gilmer seconded the motion. The Commission voted unanimously 8-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler. Nays: None.)

C. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY AND CONDITIONAL DISTRICT – RM-12 RESIDENTIAL MULTIFAMILY TO CONDITIONAL DISTRICT – RM-5 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: ALL USES ALLOWED IN THE RM-5 ZONING DISTRICT. 2) A MAXIMUM OF 20 FOR SALE RESIDENTIAL DWELLING UNITS. - FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTHEAST SIDE OF NEW GARDEN ROAD NORTH OF JOSEPH M. BRYAN BOULEVARD AND SOUTH OF THE TERMINUS OF STRATHMORE DRIVE – FOR STARMOUNT COMPANY. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Chuck Truby, 502 Waycross Drive, represented Starmount Company. He is an engineer. The subject property is uniquely shaped with a very large pond and 3/5 of this property is owned by Starmount. They control about 8.8 acres and propose 18 units, which is roughly 2.5 units per acre. This is very similar to the number of units you would get if it stayed zoned for single family. They propose very large townhome units, 3,000 square feet plus. Starmount has talked with the adjacent property owners and they are not aware of any opposition at this time. Access will be from New Garden Road and there will be no access to Strathmore Drive. The impervious area on this will actually be low density; it is less than 24 percent. Due to the topography of the property, townhomes will be the best way to develop this property.

There was no one else to speak to this request and Chair Wolf closed the public hearing.

Mr. Hails said the adopted Comp Plan GFLUM shows low residential use on this site. The proposed development of three units per acre is clearly consistent with that. There are other Comp Plan policies of promoting mixed income development, diverse housing types and infill development that are also supportive of the request. The context is that it is surrounded by multifamily, adjoining some single family and a future institutional use to the west. It also is bounded by two thoroughfares as well. Staff thinks in general this is a good location for the site and recommends approval of the request.

Ms. Miller said the Greensboro Zoning Commission believes that its action to approve the zoning amendment, located on New Garden Road from RS-12 to CD-RM-5 to be consistent with the adopted Connections 2025 Comprehensive plan and considers the action taken to be reasonable and in the public interest for the following reasons: It is generally consistent with the Low Residential land use category indicated for this site on the Connections 2025 Generalized Future Land Use Map. It promotes compact development. It promotes mixed income neighborhoods. It promotes diversification of new housing stock. Mr. Gilmer seconded

the motion. The Commission voted unanimously 8-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler. Nays: None.)

D. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING AGRICULTURAL TO CITY ZONING CONDITIONAL DISTRICT – RS-7 RESIDENTIAL SINGLE FAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: ALL USES ALLOWED IN THE RS-7 ZONING DISTRICT. 2) A MAXIMUM OF 80 RESIDENTIAL LOTS. - FOR A PORTION OF THE PROPERTY LOCATED NORTH OF HINES CHAPEL ROAD SOUTHEAST OF MCKNIGHT MILL ROAD – FOR BUILDERS LAND, INC. (FAVORABLE RECOMMENDATION)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Mr. Chuck Truby, 502 Waycross Drive, said this is an extension of a subdivision that is currently being built called Manchester. Wyland Homes is the present builder. Builders Land, Inc., is a developer. They were able to obtain this additional 21 acres under contract to make an extension of Manchester. The main access to this property will be from McKnight Mill Road. The lots proposed are the same size as in Manchester. Everything is the same. So basically it is just an extension of that same subdivision.

There was no one else to speak to this request and Chair Wolf closed the public hearing.

Mr. Hails said, as noted, there is a Comp Plan Amendment that accompanies this request. It has nothing to do with the land uses, but has to do with the Tier category. However, the GFLUM west of this location shows moderate residential, which staff thinks is generally appropriate to the density of fewer than 4 units per acre suggested with this request. Staff believes it supports other Comp Plan policies, such as new housing stock, mixed income neighborhoods and compact development. The context here, as noted, is there has been a substantial amount of residential development and a number of rezonings that the Commission has seen in the past year out in the McKnight Mill corridor here. It is a strategic location between US 29 and the future Urban Loop and staff thinks seeing it develop at urban low and moderate densities is appropriate to the area. As such, staff recommends approval of the request.

Ms. Shipman recommended approval, stating the Greensboro Zoning Commission believes that its action to approve the zoning amendment, located north of Hines Chapel Road from County Zoning AG to City Zoning CD-RS-7, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: It meets the needs of present and future citizens for a choice of decent, affordable housing in stable, livable neighborhood (Housing and Neighborhoods Goal). It promotes compact development. It promotes mixed-income neighborhoods. It promotes the diversification of new housing stock. Mr. Collins seconded the motion. The Commission voted unanimously 8-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler. Nays: None.)

E. AN ORDINANCE REZONING FROM CONDITIONAL DISTRICT – LIGHT INDUSTRIAL WITH THE FOLLOWING CONDITIONS: 1) USES LIMITED TO OFFICE, PRINTING AND FINISHING OF TAGS AND LABELS, ASSEMBLY OF GOODS, WAREHOUSING AND DISTRIBUTION OF GOODS AND ACCESSORY

USES. 2) THERE SHALL BE NO OUTSIDE STORAGE PERMITTED ON THE PROPERTY. 3) THE EXISTING BUILDING WILL BE RETAINED. 4) ANY NEW BUILDING OR BUILDINGS OR MODIFICATIONS TO THE EXISTING BUILDING WILL BE ARCHITECTURALLY SIMILAR TO THE EXISTING BUILDING. 5) ANY FENCING WILL BE FOR EMPLOYEE SAFETY AND SECURITY AND WILL BE ARCHITECTURALLY COMPATIBLE WITH THE AREA. 6) NO MORE THAN TWO ADDITIONAL LOADING DOCKS WILL BE CONSTRUCTED. 7) THE PARKING LOT WILL NOT BE UTILIZED FOR THE STORAGE OF TRAILERS. - TO CONDITIONAL DISTRICT – HEAVY INDUSTRIAL WITH THE FOLLOWING CONDITIONS: 1) USES LIMITED TO OFFICE, PRINTING, DYEING AND FINISHING OF TAGS AND LABELS, ASSEMBLY OF GOODS (INCLUDING WARPING AND WEAVING), WAREHOUSING AND DISTRIBUTION OF GOODS AND ACCESSORY USES. 2) THERE SHALL BE NO OUTSIDE STORAGE PERMITTED ON THE PROPERTY. 3) THE EXISTING BUILDING WILL BE RETAINED. 4) ANY NEW BUILDING OR BUILDINGS OR MODIFICATIONS TO THE EXISTING BUILDING WILL BE ARCHITECTURALLY SIMILAR TO THE EXISTING BUILDING. 5) ANY FENCING WILL BE FOR EMPLOYEE SAFETY AND SECURITY AND WILL BE ARCHITECTURALLY COMPATIBLE WITH THE AREA. 6) NO MORE THAN TWO ADDITIONAL LOADING DOCKS WILL BE CONSTRUCTED. 7) THE PARKING LOT WILL NOT BE UTILIZED FOR THE STORAGE OF TRAILERS. - FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF O. HENRY BOULEVARD (U.S. 29 NORTH) AND WEST SIDE OF 16TH STREET AND RING ROAD (PRIVATE) – FOR 16TH STREET GROUP, LLC AND AVERY DENNISON. (FAVORABLE RECOMMENDATION)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Chris Vaughn, Esq., 235 North Edgeworth Street, represented Avery Dennison who is the tenant in the building. The landlord of that building is 16th Street Group, LLC. They signed the application and are represented by Charlie Melvin. The change in zoning from CD-LI to CD-HI is for the sole purpose of adding the ability to do dyeing of textiles. Avery Dennison manufactures many office supplies, including labels. They also manufacture textile related products. The textile related product in question is tags and labels. He passed around samples of the tags and labels. Some labels are just finished and printed while other labels are dyed, finished and printed. This facility in Greensboro will require about 60 employees and about 45 of those will be new hires. About 60 percent of the tags and labels they produce are not dyed. Avery Dennison is an international company and employs about 255 in Greensboro. This increased use, which is classified as a Heavy Industrial use, will not produce any sort of health or safety concerns. The dyeing of fabric like this will not produce any airborne emissions that would affect the neighbors. The waste produced from the type machines they use will primarily be water. It will be 99.8 percent water. The small amount of waste that is not

water is such that it can be discharged into the waste water system of Greensboro. The average compensation for the employees will average over \$20 an hour. He also sent a letter to each of the neighbors. He received one call from Roger Pitney who works

with the Lender Group, which is doing Carolina Circle Mall. He received no other telephone calls and received no objections. The machine that produces these tags and labels is about a fourth the size of the ones that produce them in large scale.

Speaking in opposition was James Walls who lives across US 29 from this facility. He said Avery Dennison is a trucking company. They say the building is for two docks and trucks will be coming in and out. They need to bring their products in to be shipped out. There are other trucking companies in the area like Anderson and Estes, which is located on Yanceyville Street at East Cone Boulevard. Cone Mills has its trucking companies that come to their cotton mill. Wal Mart and Home Depot are proposing to build there. This proposal will bring more trucks in and it will create a big problem for traffic. Also Heavy Industrial needs to be outside the City. He had worked in textiles using dyes and the dyes had a "dead fish" smell. The east side of this area is known for its environmental odors. He said he had had no dialogue with the attorney for Avery Dennison regarding the truck traffic.

Edith Williams, 2809 North O'Henry Boulevard, said she was much in agreement with Mr. Walls. She too objected to additional traffic on US 29. She also objected to the odor from the dye from Cone Mills. She felt the noise from the additional traffic would be a big issue for her. She did not contact the attorney for Avery Dennison after she received the letter.

In rebuttal, Mr. Vaughn thanked Mr. Walls and Ms. Williams for coming. He did wish they had taken the time to call him. That would perhaps have saved them some time this afternoon. Avery Dennison is not affiliated with Wal Mart, they are not affiliated with Cone Mills and they cannot really do anything about those companies. There is a four-lane highway between the residents and us and that highway is going to be an Interstate Highway and it is going to have a lot of trucks on it. They cannot do anything about the traffic on the highway and the noise generated by that highway. The only thing that will change at this facility is that Avery Dennison is tweaking what they can do in their process. Their production will not result in additional truck traffic. They are shipping their product out in FedEx and UPS envelopes. He did not think denying the rezoning request based on these complaints would solve the issues. Those issues relate to other matters. Avery Dennison is not a trucking company.

Chair Wolf closed the public hearing.

Mr. Hails noted that they have comments of the Monitoring Committee of the Comprehensive Plan that Mr. Gilmer serves on on the Commission's behalf. They reviewed this rezoning. They cautiously said they thought the use sounded okay because it was limited to dyeing tags and labels on a small site and in an existing structure. The Committee would be more concerned if the land use compatibility with the new retail under construction were a problem or if the business was trying to expand to do large scale dyeing on the site. There is a Comp Plan Amendment that accompanies this request from Mixed Use-Commercial to Industrial Corporate Park that will be heard by the City Council along with the rezoning. There are other Comp Plan provisions that would support this request, infill, and reinvestment in existing areas of town. The context they feel is important to recognize with this request. The conditions

clearly restrict the expansion of the building. The site limits the expansion of the building. The operation is primarily internal, no exterior storage and it is a very limited change of the interior uses. The fact that it is almost an accessory sort of category and simply an add-on to the existing process is important to note. Staff also thinks it is being buffered from residential areas by US 29 and retail/commercial zoning around the site is important to note. Staff supports this request because of the very limited nature of the expansion of the use.

Mr. Gilmer said the Greensboro Zoning Commission believes that its action to approve the zoning amendment, located on O.Henry Boulevard from CD-LI to CD-HI, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: It promotes sound investment in Greensboro's urban area (Reinvestment/Infill Goal). It promotes a health, diversified economy with a strong tax base and opportunities for employment (Economic Development Goal). It ensures that adequate land is zoned for the various stages of business development (Policy 7C.1). Also it provides jobs in East Greensboro and there is no adverse impact on the surrounding area. Ms. Miller seconded the motion. The Commission voted unanimously 8-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler. Nays: None.)

ACKNOWLEDGMENT OF ABSENCES:

Chair Wolf acknowledged the absence of Mr. Wright.

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There being no further business before the Commission, the meeting was adjourned at 3:32 p.m.

Respectfully submitted,

Richard W. Hails, AICP
Planning Director

RWH/jd.ps